

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/27/2021
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ARIEL ZUCKERMAN,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	
	:	20-CV-8742 (VEC)
GW ACQUISITION LLC D/B/A G&W	:	
INDUSTRIES, MICHAEL MARINOFF, IN HIS	:	<u>ORDER</u>
INDIVIDUAL AND PROFESSIONAL	:	
CAPACITIES, AND ALBERT MALEH, IN HIS	:	
INDIVIDUAL AND PROFESSIONAL	:	
CAPACITIES.,	:	
	:	
Defendants.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on April 27, 2021, the parties appeared for a status conference to resolve a discovery dispute about ESI search terms;

IT IS HEREBY ORDERED that by no later than **Wednesday, May 19, 2021**, Defendants must file a letter addressing the following:

1. How much it would cost to place (either through extraction, duplication, or some other means) the full contents of the two custodians' email accounts into a centralized location? Defendants should provide the proposed costs of such centralization for two time periods: June 1, 2013 – October 1, 2018 and October 1, 2018 – August 10, 2020. While the method used to consolidate Plaintiff's emails may not be preferred or cost effective when applied with respect to Defendants' emails, the Court does note that Defendants were able to aggregate all of Plaintiff's emails into a centralized series of searchable files.
2. Were the contents of the two custodians' email accounts to be centralized, how much does the Defendants' e-discovery vendor estimate it would cost to run hit reports and

the searches themselves? Were the emails to remain with the various vendors and not to be centralized, how much does the Defendants' e-discovery vendor estimate it would cost to run hit reports and searches? Defendants should compile enough data for the Court to be able to discern the approximate difference in cost between running the searches Defendants are proposing and running the searches Plaintiff is proposing. If there are significant differences in costs between running searches for the period June 1, 2013 – October 1, 2018 and the period October 1, 2018 – August 10, 2020, the letter should explain that and should quantify the difference.

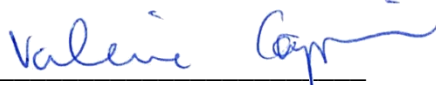
IT IS FURTHER ORDERED that by no later than **Friday, May 21, 2021**, armed with this additional cost information, the parties must inform the Court whether they have been able to agree on a list of ESI search terms. If the parties are unable to agree upon a list of search terms, by the same date, the parties must file a joint letter listing the disputed search terms. The Court reminds Plaintiff that any proposed list must be reasonable and that the Court may require Plaintiff to pay for a portion of the costs associated with searches that the Court finds to be not proportional to the needs of the case.

IT IS FURTHER ORDERED that the fact discovery deadline is adjourned to **Thursday, September 30, 2021**. The pretrial conference currently scheduled for July 2, 2021 is hereby adjourned to **Friday, October 8, 2021, at 9:30 A.M.** Pre-conference submissions are due no later than **Thursday, September 30, 2021**. For the content of the pre-conference submissions, the parties should consult paragraph 10 of their case management plan at docket entry 38. The expert discovery deadline is adjourned to **Friday, November 19, 2021**.

IT IS FURTHER ORDERED that the parties may skip their monthly joint status update for the month of May. The next monthly status report is due no later than **Tuesday, June 1, 2021**. *See* Order, Dkt. 57 at 2.

SO ORDERED.

Date: April 27, 2021
New York, New York



VALERIE CAPRONI
United States District Judge